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Ninth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2103) and covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 28 October 2015 (S/2015/826).

2. Bilateral ties between Iraq and Kuwait remained strong during the reporting period. This goodwill was evidenced when, once again, Kuwait supported the request made by Iraq to the Governing Council of the United Nations Compensation Commission for an additional one-year deferral of the requirement that Iraq deposit 5 per cent of its oil proceeds into the Compensation Fund pursuant to paragraph 21 of Security Council resolution 1483 (2003). On 28 October, in its decision 273 (2015), the Governing Council officially deferred until 1 January 2017 the payment of the remaining $4.6 billion in reparations owed to the Government of Kuwait.

3. On 10 November, at a meeting with the President of Iraq, Fuad Masum, on the margins of the fourth South American and Arab Countries Summit, held in Riyadh, the Prime Minister of Kuwait, Sheikh Jaber al-Mubarak al-Hamad al-Sabah, expressed his country's readiness to provide all forms of support to Iraq, particularly in the fight against ISIL. The wide-ranging discussions between the two countries also focused on the need for environmental cooperation, as well as the development of a strategic regional quartet for cooperation among Iran (Islamic Republic of), Iraq, Kuwait and Saudi Arabia in addressing desertification and environmental degradation. On the humanitarian front, the Kuwait Red Crescent Society continued its drive to deliver aid to displaced Iraqis, with a contribution of $200 million provided by Kuwait to Iraq in June 2015. In addition, on 22 November the Consulate of Kuwait in Erbil delivered food and other essential items to displaced Christian families from Ninewa.

4. On 21 and 22 December, the fifth meeting of the Iraq-Kuwait Joint Ministerial Committee was held in Kuwait, with the aim of strengthening cooperation between the two countries. During the meeting, the two countries signed four agreements covering inspection and control, youth and sports, and a fibre-optic communications link. On 22 December, during a meeting with the Deputy Emir and Crown Prince of Kuwait, Sheikh Nawaf al-Ahmad al-Jaber al-Sabah, Prime Minister Sheikh Jaber

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al-Mubarak al-Sabah and the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah al-Khaled al-Hamad al-Sabah, the Minister for Foreign Affairs of Iraq, Ibrahim al-Jaafari, stressed the need for both countries to join efforts to counter the phenomenon of terrorism. The parties also welcomed the remarkable progress made in recent years in the strengthening of bilateral relations and highlighted the need to further consolidate their ties.

5. On 7 January, during Mr. Al-Jaafari's meeting in Kuwait with First Deputy Prime Minister and Minister for Foreign Affairs Sheikh Sabah al-Khaled al-Sabah, both sides committed to continuing their cooperation and coordination. On 10 and 11 January, the Speaker of the Iraqi Council of Representatives, Salim al-Jubouri, visited Kuwait in preparation for the Conference of the Parliamentary Union of the Organization of Islamic Cooperation Member States, scheduled for 20 January in Baghdad. The visit's main objective was to strengthen relations between the Parliaments of Iraq and Kuwait. During his visit, Mr. Al-Jubouri met with the Emir of Kuwait, Sheikh Sabah al-Ahmad al-Jaber al-Sabah, Prime Minister Sheikh Jaber al-Mubarak al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs Sheikh Sabah al-Khaled al-Sabah and the Speaker of the Kuwaiti National Assembly, Marzouq al-Ghanim. Mr. Al-Jubouri praised Kuwait's humanitarian assistance to Iraq, noting Iraq's difficulties in funding humanitarian activities, as well as the extent of humanitarian needs. Their discussions also addressed the fight against ISIL, as well as the need for unity on several regional issues.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

6. On 7 December, the members of the tripartite mechanism and the United Nations Assistance Mission for Iraq (UNAMI), as observer, were informed that the Government of Kuwait and the International Committee of the Red Cross (ICRC) continued to work together to reach out to potential witnesses to encourage them to come forward and provide all information available on this important issue. They encouraged the Government of Iraq to join them in those efforts. On 10 January 2016, the Government of Iraq met with a witness to discuss available information.

7. On 14 December, in carrying out his responsibilities under resolution 2107 (2013), my Deputy Special Representative for Political Affairs met with the Undersecretary for Legal Affairs and Multilateral Relations of the Ministry of Foreign Affairs of Iraq, Omar Barzanji, in Baghdad. My Deputy Special Representative reiterated the need for Iraq to abide by its international obligations relating to resolution 2107 (2013), in particular by ensuring that all information and technical expertise of the dissolved Ministry of Human Rights were retained by the Government to guarantee the continuity of the process. Mr. Barzanji assured him that the Government was fully committed to the file and would do its utmost to move the process forward. My Deputy Special Representative also met with the Head of the ICRC delegation in Baghdad, Katharina Ritz, on 13 January to discuss strategies for achieving progress on the missing persons file.

8. The Ministry of Human Rights of Iraq, which had led on the missing Kuwaiti persons and third-country nationals file, was dissolved in August 2015. The Government of Iraq recently informed the United Nations that the Human Rights Department of the Ministry of Defence of Iraq would officially take over the

technical aspects of that file. For its part, the Iraqi delegation to the tripartite mechanism will be headed by the Deputy Minister for Foreign Affairs of Iraq, while the Iraqi interministerial committee on missing Kuwaiti nationals will be chaired by the Director General of the Department of Human Rights of the Ministry of Defence. Discussions on the plan of activities for the next few months on the field have continued. On 11 January, Mr. Barzanji convened a meeting of the ministerial committee in charge of the missing Kuwaiti persons file to discuss the plan of activities, including the resumption of field work.

III. Recent activities with regard to the return of Kuwaiti property

9. No forward movement with regard to the return of Kuwaiti property was registered during the reporting period. In his meeting with Mr. Barzanji, my Deputy Special Representative stressed the need for continued efforts in that area.

IV. Observations

10. I commend the spirit of cooperation and solidarity that prevails in the bilateral relations between Iraq and Kuwait. I welcome the readiness of the Government of Kuwait to provide support to its neighbour in extraordinarily difficult security circumstances. I also welcome the decision of the Governing Council of the United Nations Compensation Commission to defer reparation payments by the Government of Iraq to Kuwait for an additional year. That will significantly contribute to the easing of Iraq's financial burden. I urge the two countries to avail themselves of this enabling climate to work closely together through the tripartite mechanism on the file of missing Kuwaiti persons and third-country nationals, as well as through the Joint Property Committee on missing Kuwaiti property, including the national archives, to finally achieve tangible results with respect to this humanitarian issue.

11. I acknowledge the severe security, fiscal and political challenges faced by the Government of Iraq and the need to refocus priorities on the emerging needs of the people of Iraq. I note the Government's decision to designate responsibility for the technical aspects of the file of missing Kuwaiti persons and third-country nationals to the Department of Human Rights of the Ministry of Defence. Now that the responsibility for the file has been officially designated to another government entity, I encourage the Government to swiftly implement decisions to facilitate the continuation of the work carried out by the former Ministry of Human Rights. I also urge the Government to introduce its 2016 plan of action, including field and excavation missions, as well as to allocate the budget necessary for such activities. I note with disappointment that no Kuwaiti remains have been found since 2004 and that some of the families of those missing have been waiting for 25 years to learn the fate of their loved ones. In addition, I would like to stress that the technical and practical difficulties of finding mortal remains will only increase with the passage of time.

12. I commend the steadfastness of the members of the tripartite mechanism under the able chairmanship of ICRC. I urge the Government of Iraq to continue to avail itself of the mechanism, which has been vital in generating comprehensive

discussions and new and innovative ideas on how to move the file forward. I look forward to the start of an in-depth scientific review of all information and past efforts, as endorsed by the Tripartite Commission in Geneva on 15 October, intended to focus and better direct search activities to locate the remains and clarify the cases of missing persons. I also welcome the close coordination between ICRC and the Governments of Iraq and Kuwait in reaching out to potential witnesses. I encourage the parties and in particular the Government of Iraq to continue to make all necessary efforts in contacting and following up on witnesses in order to obtain information on potential burial sites, while treating the matter with confidentiality and providing legal assurances in order to encourage witnesses to come forward. I remain hopeful that the multipronged approach will be able to reinvigorate the file and bring about concrete results.

13. I note with regret that no tangible progress was achieved during the reporting period with respect to missing Kuwaiti property, including the national archives. I urge the two Governments to work closer together and to convene the Joint Property Committee, which last met in June 2014, and to continue to do so every six months. I also urge the Government of Iraq to explore new avenues to achieve progress.

14. I underscore the dedication of UNAMI, my Special Representative for Iraq and my Deputy Special Representative for Political Affairs to promote, support and facilitate the efforts of the Government of Iraq aimed at repatriating or returning all Kuwaiti and third-country nationals or their remains, in addition to returning Kuwaiti property, including the national archives. UNAMI stands ready to offer assistance and to play a meaningful role in this humanitarian endeavour.